

STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)
)
PAMELA REED,)
Complainant,)
)
and)CHARGE NO(S): 2001 CF 0810)EEOC NO (S): 21 BA 10067)ALS NO(S): 11759
CITY OF CHICAGO, DEPARTMENT)
OF WATER,)
Respondent.)

RECOMMENDED ORDER AND DECISION

This matter is before me on Respondent's oral motion to dismiss this matter for Complainant's failure to prosecute her Complaint.

Findings of Fact

- 1. Complainant filed a Charge with the Department of Human Rights (Department) on October11, 2000, alleging that Respondent discriminated against her in violation of the Illinois Human Rights Act, 775 ILCS 5/1-101 et.seq.
- 2. The Department filed a Complaint on behalf of the Complainant with the Illinois Human Rights Commission (Commission) on April 11, 2002.
- 3. On June 11, 2002, Respondent appeared through counsel; Complainant appeared ProSe. A discovery schedule was entered.
- 4. Respondent filed a verified answer to the Complaint on June 21, 2002.
- On July 24, 2002, Respondent appeared on its properly noticed motion for an extension of time to file initial discovery requests. Complainant did not appear. The Parties were ordered to serve initial discovery by July 29, 2002, to file proof of service with the Commission, and to answer discovery no later than September 10, 2002. A discovery status was set for September 10, 2002.
- On July 29, 2002, Respondent filed proof of service of its discovery requests upon Complainant.
- 7. A review of the record indicates no notice of service of discovery requests upon Respondent has been filed by the Complainant.
- 8. On September 10, 2002, Respondent appeared; Complainant did not appear. Respondent represented that Complainant had not propounded any discovery requests, nor had Complainant answered Respondent's discovery requests. An order was issued setting a status for September

- 25, 2002 at 2:00 p.m. and warning Complainant that if she failed to appear I would entertain an oral motion by Respondent to dismiss this matter.
- 9. On September 10, 2002 Respondent filed proof of service of the September 10, 2002 order upon Complainant.
- 10. On September 25, 2002, Respondent appeared; Complainant did not appear. Respondent made an oral motion to dismiss this matter for want of prosecution and I granted it.

Conclusion of law

The failure of Complainant to propound discovery, to answer Respondent's discovery requests, to appear at three consecutive scheduled status hearings or to request continuances in advance, has resulted in unreasonable delay, justifying dismissal of this Complaint with prejudice.

Discussion

Section 5300.750(e) of the Procedural Rules of the Illinois Human Rights Commission authorizes a recommendation for dismissal with prejudice where a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuses to comply with any Order entered, or otherwise engages in conduct which unreasonably delays or protracts the proceedings. Similarly, 775 ILCS 5/8A-102(I)(6) authorizes a recommended order of dismissal, with prejudice, or of default as a sanction for a party's failure to prosecute her case, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous Order of the Administrative Law Judge.

The record indicates that Complainant has ignored Commission orders to propound and answer discovery and has failed to appear for scheduled hearings on July 24, 2002, September 10, 2002 and September 25, 2002. Complainant was warned in the September 10, 2002 order that her failure to appear on September 25, 2002 may result in an order to dismiss. Complainant did not appear on September 25, 2002 and did not file a request for continuance. Complainant was last before this tribunal on June 11, 2002 and has since filed no pleadings to indicate her interest in pursuing this matter.

As Complainant has taken no steps to indicate her desire to pursue this matter, I can take no other action in this case except to dismiss the Complaint.

Recommendation

Therefore, I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY:	Е
SABRINA M. PATCH	
Administrative Law Judge	
Administrative Law Section	

ENTERED: October 2, 2002